



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Chief, Wireless Telecommunications Bureau
Chief, Public Safety and Homeland Security Bureau

FROM: *DMA*
Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Council Tree Communications, Inc. v. FCC & USA*, No. 07-4119. Filing of a Petition for Review in the United States Court of Appeals for the Third Circuit.

DATE: October 26, 2007

This is to advise you that, on October 23, 2007, Council Tree Communications, Inc. ("Council Tree") filed a Petition for Review in the U.S. Court of Appeals for the Third Circuit pursuant to 47 U.S.C. § 402(a), of the following order: *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, et al.*, Second Report and Order, WT Docket No. 06-150, *et al.*, 22 FCC Rcd 15289 (2007).

Council Tree challenges the Commission's rules governing bidding credits for designated entities in the 700 MHz auction. Specifically, Council Tree objects to the rule restricting wholesaling by designated entities.

The Court has docketed this case as No. 07-4119. The attorney assigned to handle the litigation of this case is Joel Marcus.